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BOB LEININGER
U.S. Department of Justice

US EPA RECORDS CENTER REGION 5



515790

November 13, 1981

Thomas J. Buchanan
Assistant Chief Hydrologist for
Operations Water Resources Division
United States Geological Survey
Mail Stop 441
Reston, Virginia 22092

Dear Mr. Buchanan:

I am writing to ask for the assistance of the United States Geological Survey in a case which was filed by the United States in September, 1980 in federal district court in Minneapolis, Minnesota, against Reilly Tar and Chemical Corporation. The complaint, a copy of which is enclosed, seeks the abatement of an imminent and substantial endangerment to health and the environment caused by the disposal of hazardous wastes by Reilly Tar from its creosote oil production and wood preserving facility in St. Louis Park, Minnesota. The complaint also seeks reimbursement for federal expenditures being used to partially remedy the contamination problem. The State of Minnesota, as well as the cities of St. Louis Park and Hopkins, have joined the lawsuit as plaintiffs.

The U.S. Geological Survey has been studying the groundwater and the movement of contaminants around the Reilly Tar site for several years. In particular, Marc Hult of your Minneapolis office has devoted a great deal of time to the study and has recently assisted us in gathering groundwater and soil samples to use as evidence in the suit.

In order to aid us in preparation and trial of our case, we would appreciate the continued assistance of the U.S. Geological Survey. In particular, we request that an expert be designated to assist us in trial preparation and to testify as a witness concerning hydrogeological issues. Mr. Hult, because he has already spent so much time on this matter, would seem to be a logical choice, but we would also like to hear other suggestions for alternative or additional experts.

A second matter which we would like to discuss with you is the establishment of a procedure by which our concerns in protecting the federal government position in the litigation can be balanced against your concerns for allowing open access to data in the possession of the U.S. Geological Survey. Recently, consultants for Reilly Tar have called Mr. Hult asking for information which we intend to use at trial. While much of the information would not be withheld if the request had been made through the lawyers working on the lawsuit, nevertheless, the timing of its release is important to the litigation since we would like to obtain similar information from Reilly Tar in exchange. In addition, some of the information consists of interpretations of data which we might not want the defendant to see. If we could establish a procedure by which the release of information was controlled, it would help us greatly in the litigation.

The work done thus far by the U.S. Geological Survey which relates to the Reilly Tar case has been excellent, and we would hope to be able to continue to obtain your assistance. I can be reached at 202-633-5258.

Sincerely,

Assistant Attorney General
Land and Natural Resources Division

By:

Erica L. Dolgin
Attorney, Environmental Enforcement
Section

Enclosure

cc: Frank Hermann
Dick Emory
Bob Leininger
Steve Shakman